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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/586,762	04/25/2007	Jean-Marc Martin	GER-0852	1593

23413 7590 02/20/2009  
CANTOR COLBURN, LLP  
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22nd Floor  
Hartford, CT 06103

EXAMINER
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DUONG, DIEU HIEN

ART UNIT	PAPER NUMBER
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2821

NOTIFICATION DATE	DELIVERY MODE
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02/20/2009

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

usptopatentmail@cantorcolburn.com

<b>Office Action Summary</b>	<b>Application No.</b> 10/586,762	<b>Applicant(s)</b> MARTIN, JEAN-MARC	
	<b>Examiner</b> DIEU HIEN T. DUONG	<b>Art Unit</b> 2821	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 19 July 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 1-13 are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 July 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>07/19/2006</u> .  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Status of Application***

1. This Office Action is a response to Applicants' Preliminary Amendment filed on 07/19/2006. In virtue of this Preliminary Amendment, claims 1-13 are currently presented in the instant application.

### ***Priority***

2. Acknowledgement is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d).

### ***Information Disclosure Statement***

3. The information disclosure statement(s) (IDS) submitted on 07/19/2006 in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is considered by the examiner.

If applicant is aware of any prior art or any other co-pending application not already of record, he/she is reminded of his/her duty under 37 CFR 1.97 to disclose the same.

### ***Drawings***

4. The drawing submitted on 07/19/2006 is accepted as part of the formal application.

### ***Specification***

5. The specification is accepted as part of the formal application.

Applicant cooperation is requested in correcting any errors of which applicant may become aware in the specification.

***Claim Objections***

6. Claims 1 and 3-4 are objected to because of the following informalities:

Claim 1:

Line 3, "this loop being able on the one hand" should be deleted;

Line 5, "on the other hand," should be deleted;

Claim 3:

Line 1, "intended to be" should be deleted;

Claim 4:

Line 1, "intended to be" should be deleted;

Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. Claims 1-13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 1, lines 3-5, the recitation "this loop being able on the one hand to feed the electronic chip with an induced current generated when it is passed through by a first electromagnetic wave carrying information" is unclear. It is not clear what "it" refers to. If "it" refers to "an induced current", it should be changed to "said an induced current".

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Claims 2-13 are rejected since they are dependent on claim 1.

Clarification is required.

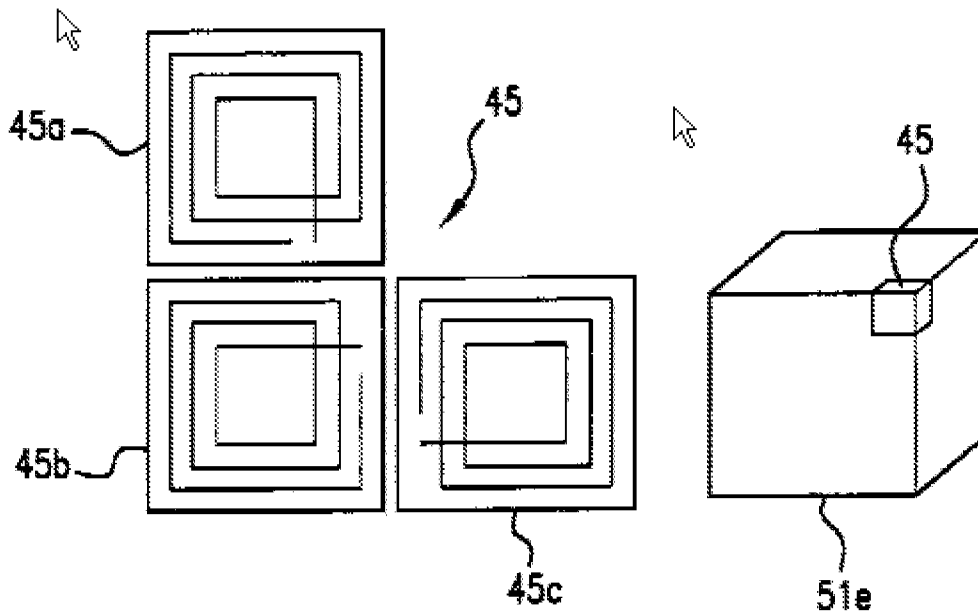
***Claim Rejections - 35 USC § 102***

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

10. Claims 1-4 are rejected under 35 U.S.C. 102(b) as being anticipated by Bridgelall (US 7,005,968 B1).



Regarding claim 1, Bridgelall discloses, in Figure 6 and col. 3, lines 18-46, a passive receiver-transmitter device fed by electromagnetic wave, provided with an antenna comprising a loop (45) associated with an electronic transponder chip (col. 3, lines 18-46), this loop being able on the one hand to feed the electronic chip with an

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induced current generated when it is passed through by a first electromagnetic wave carrying information, and on the other hand, to send a second electromagnetic wave carrying the response from the electronic chip, characterized in that the antenna is designed in such a way that the loop comprises at least two non-coplanar or non-parallel parts in a position of use.

Regarding claim 2, as applied to claim 1, Bridgelall discloses, in Figure 6, wherein the loop (45) comprises at least two parts situated in roughly perpendicular planes.

Regarding claim 3, as applied to claim 2, Bridgelall discloses, in Figure 6, wherein the loop 45 is intended to be disposed in two planes roughly perpendicular to each other.

Regarding claim 4, as applied to claim 2, Bridgelall discloses, in Figure 6, wherein the loop (45) is intended to be positioned in three planes roughly perpendicular to each other.

### ***Claim Rejections - 35 USC § 103***

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claims 5-6 and 11-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bridgelall (US 7,005,968 B1) in view of Conwell et al. (US 6,163,260).

Regarding claims 5-6 and 11-13, Bridgelall discloses, in Figure 6, wherein the antenna (45) is incorporated in a support in the form of a label and attached on several sides of an object (51e).

Bridgelall does not disclose that the support is produced in form of a self-adhesive label.

Conwell discloses, in Figures 1-3, the support is produced in form of a self-adhesive label.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the support of Bridgelall with the support as teach by Conwell, doing so would provide an efficient and cost-effective way to attach the passive receiver -transmitter device to the object (co. 1, lines 64-67).

13. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bridgelall (US 7,005,968 B1) in view of Brady et al. (US 6,100,804).

Regarding claim 7, Bridgelall discloses every feature of claimed invention as expressly recited in claim 1, except for the antenna comprising a loop produced in the form of an open cylindrical bracelet, obtained from a flat support formed by a flexible strip.

Brady discloses, in Figure 7B, 19 and col. 7, lines 40-44 and col. 8, lines 9-13, for the antenna comprising a loop (col. 7, lines 40-44) produced in the form of an open cylindrical bracelet (Figure 19), obtained from a flat support formed by a flexible strip (col. 8, lines 9-13).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the antenna of Bridgelall with the antenna as taught by Brady, doing so would provide a flexible passive receiver-transmitter device (col. 2, lines 20-25).

14. Claims 8-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bridgelall (US 7,005,968 B1) in view of Pertl et al. (US 6,300,920 B1).

Regarding claim 8, Bridgelall discloses every feature of claimed invention as expressly recited in claim 1, except for wherein the antenna comprises a closed circular loop produced from a spiral-wound wire.

Pertl discloses, in Figures 20-21, wherein the antenna comprises a closed circular loop produced from a spiral-wound wire.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the antenna of Bridgelall with the antenna as taught by Pertl, doing so would provide an antenna, which creates a nearly uniform magnetic field (see col. 2, lines 20-25).

Regarding claims 9-10, Bridgelall/Pertl disclose every feature of claimed invention except for the loop having a diameter of between 4 and 10 cm.

However, such difference is not of patentable merits since it would have obvious to one having ordinary skill in the art in the time the invention was made to determine the range of diameter of the loop to achieve desired radiation characteristic for the antenna and it has been held that discovering an optimum or workable range involves only routine skill in the art. *In re Aller*, 105 USPQ 233.



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***Inquiry***

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to DIEU HIEN T. DUONG whose telephone number is (571)272-8980. The examiner can normally be reached on Monday - Friday, from 8:30AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Douglas W. Owens can be reached on 571-272-1662. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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/Douglas W Owens/

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Supervisory Patent Examiner, Art Unit 2821  
February 14, 2009